

1           Q       At or about the time you were filling out  
2       the renewal application, did you consult with anyone  
3       as to what the station needed to place in the  
4       station's Public Inspection File?

5           A       I don't remember.

6           MR. SHOOK:     Could you bring to the  
7       witness' attention EB Exhibit 7, page 1? Is that EB  
8       Exhibit 7 or is that SFUSD Exhibit 7 that he --

9           MR. PRICE:   Oh, I'm sorry. That's SFUSD.  
10       Is that you wanted?

11          MR. SHOOK:   No. EB Exhibit 7. Not that  
12       my eyesight is that great, but it looked like  
13       something other than what I wanted to ask about.

14                       BY MR. SHOOK:

15          Q       Mr. Ramirez, just so you know what you're  
16       looking at, this is an exhibit that was the subject of  
17       a stipulation between the Enforcement Bureau and the  
18       San Francisco Unified School District in terms of  
19       materials that were given to the school district and  
20       then to us from the Sanchez Law Firm.

21                       So far as we can tell, what we're looking  
22       at are the Slip Listings of Bills that would have been

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1 generated during the dates noted from Mr. Sanchez to  
2 SFUSD and they're supposed to bear a connection  
3 between Mr. Sanchez' work and work on the renewal  
4 application.

5 A May I ask a question?

6 Q Certainly.

7 A I don't understand what stipulation means.

8 Q It means that the Enforcement Bureau and  
9 the San Francisco Unified School District reached an  
10 agreement between ourselves that for the purposes of  
11 this hearing there are certain documents that neither  
12 side would object to on certain bases such as  
13 authenticity.

14 What this is supposed to represent so far  
15 as we can tell is an authentic rendering of  
16 information from the Sanchez Law Firm about bills that  
17 were generated relative to work done for the school  
18 district.

19 A Okay.

20 MR. PRICE: I should point out to the  
21 witness it's not a stipulation that what is stated on  
22 here is true. It's authentic as to this is how it was

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1 presented to us from the Sanchez Law Firm. This is  
2 the document we received from the Sanchez Law Firm.  
3 It's not a stipulation that what's in here was  
4 accurate.

5 MR. SHOOK: Okay.

6 MR. PRICE: Clear?

7 MR. SHOOK: Yes. Anyway, looking at the  
8 bills that appear on EB Exhibit 7, page 1; it reflects  
9 that you had some conversation with Mr. Sanchez or  
10 received a message from him on May 7 of 1997 and that  
11 you spoke with him on May 8, 199. This would have  
12 been about license renewal procedures.

13 MR. PRICE: If I could just clarify, Your  
14 Honor, I think Mr. Shook may have misspoke. It  
15 reflects a message from Mr. Ramirez, not from Mr.  
16 Sanchez.

17 BY MR. SHOOK:

18 Q Excuse me. From Mr. Ramirez. So,  
19 apparently you called Mr. Sanchez' office and  
20 apparently were not able to speak with him on May 7.  
21 Then there was a conversation or a conference of some  
22 kind that took place on May 8. In both instances it

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1 appears to be very brief.

2 A Okay.

3 Q Do you have any recollection of what it  
4 was that triggered your call out to Mr. Sanchez?

5 A No. I don't remember what triggered the  
6 call to Mr. Sanchez on May 7.

7 Q Now in terms of license renewal  
8 procedures, had something come to your attention that  
9 triggered a thought that gee I better find out about  
10 this license renewal procedure because something's  
11 coming up.

12 A Yes. I don't remember.

13 Q You had mentioned before that you really  
14 didn't call Mr. Sanchez very often because you were  
15 aware that as soon as you picked up the phone and  
16 spoke with him the meter was ticking.

17 A That's correct.

18 Q So this was a relatively significant event  
19 for you to call him?

20 A Yes.

21 Q The bills further reflect that after this  
22 May 8 conversation that you didn't speak with Mr.

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1 Sanchez again until June 30. Would you have any  
2 reason to doubt the accuracy of Mr. Sanchez' bills on  
3 this point?

4 A No. This is consistent with what I  
5 remember.

6 Q You definitely tried to keep you  
7 conversations with Mr. Sanchez to a minimum?

8 A Yes.

9 Q From what we've talked about before it  
10 appears that either in May of 1997 or at the latest in  
11 June of 1997 when you first turned your attention to  
12 the station's public file, were you aware of any  
13 procedures in place for updating or maintaining that  
14 file?

15 A No.

16 Q As far as you knew were any such  
17 procedures in place in May 1997?

18 A No.

19 Q At that time was it anyone's  
20 responsibility other than your own to maintain or  
21 update the Public Inspection File?

22 A Not at -- as far as I knew no.

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1 JUDGE SIPPEL: I just want to ask a  
2 question. With respect to this concern about the time  
3 spent consulting with the attorney, especially with  
4 concern to the costs. Did you -- was that something  
5 that you came up with on yourself, or did somebody  
6 from the superintendent's office talk to you about  
7 that?

8 THE WITNESS: No. It wasn't anyone from  
9 outside the station. I remember that Bill Helgeson,  
10 or the operations manager, had mentioned that it was  
11 quite expensive to call Mr. Sanchez. I also remember  
12 that I think at the same time the bills for the calls  
13 that we were having regarding the Fairfield matter I  
14 was seeing for the first time and I could see that  
15 they were expensive and so --

16 JUDGE SIPPEL: But, that's it -- that was  
17 it. Just with Mr. Helgeson -- how is the extent of  
18 your -- other than yourself, other than your internal  
19 ideal system the only other --

20 THE WITNESS: Yes, Your Honor.

21 JUDGE SIPPEL: -- person or authority that  
22 talked to you about it --

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1 THE WITNESS: Yes.

2 JUDGE SIPPEL: -- in those terms?

3 THE WITNESS: Yes.

4 JUDGE SIPPEL: Yes? Okay.

5 BY MR. SHOOK:

6 Q One thing that we didn't touch upon yet.  
7 When you made that call to Mr. Sanchez that generated  
8 a long distance telephone bill charge, did it not?

9 A I don't remember. I don't know for sure.  
10 I'm assuming it did since I was in San Francisco and  
11 he would've been in Washington.

12 Q Were long distance telephone bills  
13 something that would come to your attention in the  
14 first instance or would they be sent to some main  
15 administrative office for handling?

16 A I don't know.

17 Q When the station made long distance calls  
18 you don't know how it worked out that they were  
19 charged and paid for?

20 A Yes. I don't remember.

21 Q I take it long distance telephone calls  
22 from your offices, the KALW offices, would be

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1 relatively rare?

2 A I wouldn't call them rare. I mean, there  
3 would be an instance where I'm sure that Bill or I  
4 would need to make a long distance call like say to  
5 Washington NPR regarding a programming matter or a  
6 producer might need to call long distance to speak to,  
7 say, an agent to book one of the talk show guests. I  
8 think long distance calls were a cost of doing  
9 business.

10 Q But in terms of accounting for them and  
11 paying for them, was that something that would be  
12 handled in the first instance in the offices of KALW  
13 or would that be sent off immediately to SFUSD?

14 A What I recollect is at some point I did  
15 see the telephone bill and Bill would present that to  
16 me so I had some idea of what our long distance  
17 activity had been.

18 Q So would those bills have been sent first?  
19 I mean, they would have been addressed to KALW and  
20 then you would've reviewed it, and then after your  
21 review it gets some place for payment?

22 A Yes. I don't remember exactly how it

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1 worked.

2 Q According to your direct testimony, SFUSD  
3 Exhibit T1 at page 12, when you first looked at the  
4 Public Inspection File, it filled an entire drawer of  
5 a file cabinet and was extremely disorganized. You  
6 then relate that you solicited the assistance of one  
7 of the station's volunteers, Susan Hecht.

8 A Can you show me which page you're looking  
9 at so that I can be on the same page?

10 Q Page 12.

11 A Okay.

12 Q It would be the second question and then  
13 response and then the third question and the response.

14 A Okay, I see that.

15 Q Now, when you state in your testimony at  
16 page 12 that you expected Susan Hecht to put  
17 everything in order so that you could review the  
18 Public Inspection File more efficiently, did you tell  
19 her to arrange the file in some fashion?

20 A I don't remember asking her to arrange it  
21 in any particular fashion. I don't remember exactly  
22 what I asked her to do. I do remember what I expected

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1 her to do, which to my mind would've been consistent  
2 with why I would've expected a volunteer who comes in  
3 once or twice a week for two or three hours a day to  
4 help us answer the phones.

5 That was to seeing how it was messy to put  
6 it in some kind of -- straighten it up or do something  
7 to make it easier for me to through it.

8 Q Well, just to throw out some possibilities  
9 here, did you ask her to arrange the file  
10 chronologically?

11 A I don't remember.

12 Q Did you ask her to arrange it  
13 alphabetically by file folder title?

14 A No. Again, I don't remember.

15 Q Did you tell her to take all the folders  
16 out of the file drawer and put them some place for you  
17 to look at?

18 A I don't remember exactly what I asked her  
19 to do.

20 Q Well, I'm throwing out some possibilities,  
21 which may trigger something so did you tell her to  
22 arrange the file folders according to the FCC's Public

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1 Inspection File rule --

2 A I don't remember.

3 Q -- which we just looked at? That's that  
4 rulebook that I handed you that had the rule in there.  
5 Did you ask her to remove anything from the Public  
6 Inspection file?

7 A I don't remember.

8 Q Did you ask her to place anything in the  
9 Public Inspection File?

10 A I don't remember.

11 MR. PRICE: Your Honor, I think the  
12 witness has testified that he doesn't remember what he  
13 asked her to do.

14 JUDGE SIPPEL: This happened -- what are  
15 we talking about -- almost ten years ago.

16 MR. SHOOK: It's a long time.

17 JUDGE SIPPEL: So, I'm going to let the  
18 questions stay. He's just trying to cover the  
19 territory that's all. Exclude all of the  
20 possibilities.

21 BY MR. SHOOK:

22 Q Now, it's our understanding that Susan

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1 Hecht gave you a report of her look, review, whatever  
2 you want to call it, of the public file sometime in  
3 June 1997. Do you have any reason to dispute that?

4 A No, I've read her affidavit.

5 Q I would like you to refer to EB Exhibit  
6 pages 46 through 49.

7 A What number?

8 Q EB Exhibit -- oh excuse me. EB Exhibit 5.

9 JUDGE SIPPEL: Do you have that up there?  
10 What's the pages again, Mr. Shook? I'm sorry.

11 MR. SHOOK: EB Exhibit 5, pages 46 through  
12 49. They're originally marked as pages 17 through 20.

13 JUDGE SIPPEL: Exhibit E, page 1 of 4 is  
14 where it starts?

15 MS. REPP: Yes, Your Honor.

16 JUDGE SIPPEL: I can let him look at my  
17 copy if you want.

18 MR. SHOOK: That's fine.

19 THE WITNESS: Thank you.

20 JUDGE SIPPEL: All right.

21 BY MR. SHOOK:

22 Q Is the document that your counsel just

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1 handed you a copy of the report that Susan Hecht gave  
2 you?

3 A Yes. This looks like the report that she  
4 gave me.

5 Q Did you understand at that time, the time  
6 that she gave you the report that the document she  
7 gave you set forth what she supposedly saw and did not  
8 see in the KALW Public Inspection File?

9 A Can you ask that again?

10 Q Okay. Did you understand at the time that  
11 the document Susan Hecht gave you -- the one you're  
12 looking at -- set forth what she supposedly saw and  
13 did not see in the KALW Public Inspection File?

14 A No, I don't think that idea occurred to me  
15 because like I said in my testimony I did ask Susan  
16 Hecht for some help to straighten up the file so that  
17 I could through it on my own because that's what I was  
18 supposed to do.

19 I don't remember asking her for any kind  
20 of list of what was supposed to be in the file. So,  
21 when I remember getting this, I had already started  
22 looking at the file myself. This isn't something that

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1 I expected from her and really at the time I probably  
2 spent a couple seconds looking at this.

3 I knew that I had already started looking  
4 at the file myself. This isn't what I expected from  
5 her and so I really didn't look at this that closely  
6 at that time.

7 Q Now, if you take a look at how the  
8 document itself is organized, it has two headings.  
9 One being name and one being contents. Did you  
10 understand that under name that was supposed to  
11 represent how different file folders were labeled?

12 A Again, when I first received this from  
13 her, I didn't look at it that closely. I spent maybe  
14 two or three seconds just flipping through it and set  
15 it aside and didn't look at it closely again. The  
16 next time I saw this was when it came in as an  
17 attachment to the GGPR petition that they submitted  
18 later on in the year. I don't remember the month.

19 Q At that point did you look at it more  
20 closely?

21 A I don't remember looking at it closely at  
22 that time either.

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1           Q       So you don't know whether her report  
2 identified the file folders that she saw?

3           A       No. Again, at the time I looked at this  
4 I didn't spend a lot of time looking at this. This  
5 was a document that was coming from a volunteer; this  
6 is way beyond what I would've expected her to do.  
7 Again, my expectations are when Susan Hecht comes in  
8 once or twice a week to help us answer the phones and  
9 greet guests at the front door.

10                   I remember that I expected that she would  
11 straighten up the file, do whatever would be  
12 consistent with someone in her status at the station.  
13 This isn't what I expected from her.

14           Q       I understand that it may not be something  
15 that you expected from her and apparently from what  
16 you're telling us you didn't look at it long enough to  
17 really determine whether or not it could be of use.

18                   What I'm trying to figure out from looking  
19 at how this exhibit is put together and because you  
20 are actually at the station and had an opportunity to  
21 look at the public file at some point -- if you look  
22 at this document and then try to remember what it was

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1       that when you looked at the public file yourself, are  
2       we looking at a document that actually sets forth how  
3       the public file was organized?

4               A       I think I know what you're asking.  When  
5       I looked through the Public Inspection File myself  
6       where the portion of the drawer that was the Public  
7       Inspection File as far as I knew, I don't remember  
8       seeing folders with labels like the kind that I assume  
9       the file name column suggests.  I don't remember  
10      seeing those kind of folders.

11             Q       What did you see?

12             A       I saw a full file drawer.  It appeared to  
13      be not well kept, some loose documents meaning pieces  
14      of paper that weren't in any kind of particular order.  
15      It nearly filled the entire drawer.

16             Q       Were there file folders?

17             A       I remember that there were a variety of  
18      different style folders, like the green hanging ones  
19      that weren't actually hanging in any particular order.  
20      There were the manila kind of folders.  That's the  
21      variety of kind of file folders like that, different  
22      colors.

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1 Q Were they labeled in any way?

2 A I don't remember them being labeled.

3 Q So looking at the Susan Hecht report  
4 today, you couldn't tell us whether or not what she  
5 gave you back in 1997 accurately portrays what was in  
6 the file or not?

7 A No, not today.

8 Q Did you ever tell her that this isn't what  
9 I wanted? I wanted something else.

10 A No. I don't remember providing any kind  
11 of feedback.

12 Q Your testimony at SFUSD Exhibit T1 at page  
13 12 and what we've talked about before in various  
14 program guides reflect that Susan Hecht was a  
15 volunteer. At about the same time that she was asked  
16 to provide this service for you we had looked at the  
17 program guide and there were a list of about 10, 11,  
18 12 volunteers.

19 These were people who were apparently  
20 coming to the station with some regularity to provide  
21 volunteer service of one kind or another. How did you  
22 end up picking Susan Hecht as the person to go through

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1 the public file and provide this service to you in the  
2 first instance?

3 A That's a good question. I don't remember  
4 exactly why I asked Susan to do this. My best guess  
5 is that she happened to be the person sitting at the  
6 front desk when I thought that I needed some help to  
7 straighten up the file and that's how she was the one  
8 asked to provide that assistance.

9 I mean I have no recall of going out and  
10 seeking her help for this. I really think she was jut  
11 the one who happened to be sitting at the front desk  
12 at the time.

13 Q Had you asked Susan Hecht to do anything  
14 like this before?

15 A No, I don't remember.

16 Q Did you understand at this point that  
17 Susan Hecht had been volunteering her services at the  
18 station for a number of years?

19 A I don't know how long she had been at the  
20 station at that time.

21 Q Well, looking through the various program  
22 guides it appears that she first started to provide

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1 volunteer services back in the fall of 1994, which  
2 would've been almost two years before you arrived. Is  
3 that something you knew or did not know?

4 A No, I didn't know that.

5 Q In any given week during your tenure as  
6 general manager at KALW, how often was Susan Hecht  
7 usually at the station?

8 A I'd say once a week.

9 Q What did she usually do when she served as  
10 a volunteer?

11 A She would usually sit at the front desk,  
12 answering the telephone, letting guests in the front  
13 door, providing a lunch break to Teresa or James, who  
14 would ordinarily have been the paid staff at the front  
15 desk. While there she might have also been stuffing  
16 envelopes, fulfilling the membership incentives, the  
17 premiums.

18 If we had a program guest waiting in the  
19 waiting area, she might help them to a cup of coffee  
20 before Allen or Michael came to get them for their  
21 interview.

22 Q The volunteers that you had named when we

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1 were looking at the program guide before -- I take it  
2 those volunteers served similar duties or provided  
3 similar services that Susan Hecht did?

4 A Yes. Yes.

5 Q Now, when you state in your testimony at  
6 SFUSD Exhibit T1, page 12 that the report Susan Hecht  
7 gave you "did not look like professional, reliable  
8 work", what did you expect from her?

9 A Again, like I said, I wasn't expecting  
10 this report.

11 Q Had you ever asked her to prepare any kind  
12 of report for you before about the station's Public  
13 Inspection File?

14 A No.

15 Q Had you ever asked her to prepare a report  
16 about anything?

17 A No.

18 Q Did you ever look at her report long  
19 enough to make a connection between how the report was  
20 organized and what the public file looked like?

21 A No, I don't remember doing that.

22 Q Did you ever tell Susan Hecht that what

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1 she gave you wasn't what you wanted from her?

2 A No, I don't remember ever doing that  
3 either.

4 Q Although we've already established that  
5 the report that she gave you appeared as an exhibit to  
6 the petition to deny filed by Golden Gate Public  
7 Radio.

8 A Yes.

9 Q Did you ever determine that Susan Hecht's  
10 report misidentified one or more file folders?

11 A No, I don't remember ever doing that.

12 Q Did you ever tell anyone that Susan  
13 Hecht's report misidentified one or more file folders?

14 A No.

15 Q Did you ever determine that Susan Hecht's  
16 report ever misidentified the contents of any file  
17 folder?

18 A No.

19 Q Did you ever tell anyone that Susan  
20 Hecht's report misidentified the contents of one or  
21 more file folders?

22 A No.

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1 Q Do you happen to know where Susan Hecht is  
2 now?

3 A No, I don't.

4 Q When was your last contact with her?

5 A When I was still at the station. I don't  
6 remember a particular day.

7 Q Now, in terms of the -- have you had  
8 contact with her since your leaving KALW?

9 A Oh, no.

10 Q Was she still providing services at KALW  
11 when you left?

12 A I don't remember if she was still there by  
13 the time I left in 1998.

14 Q Either at the time Susan Hecht gave her  
15 report to you or contemporaneous with that time, did  
16 you re examine the station's Public Inspection File?

17 A I had already started looking at the file  
18 myself because I needed to get to work on completing  
19 the license renewal application.

20 Q So you would've started to do your work on  
21 the file roughly in June of 1997?

22 A Yes, that sounds about right. Yes.

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1           Q       During the course of your review of the  
2       Public Inspection File, did you refer to the rule that  
3       we had looked at, 733527, to determine what was  
4       supposed to be in the file?

5           A       I don't remember if I was looking at the  
6       rule and going through and reviewing the file at the  
7       same time, simultaneously.

8           Q       Okay. Do you have any recollection of how  
9       it was that you determined what should be in the file,  
10      what kind of process you used?

11          A       Yes, I mean, like I said earlier, even  
12      though when I started at the station, I didn't have  
13      familiarity or regular exposure to FCC rules and  
14      regulations. I mean, I just -- I had been working in  
15      radio for a long time, since I was a teenager.

16                   I generally understood the principal of  
17      the FCC's relationship to stations and the licensing  
18      that provided that stations operated in a manner that  
19      was in the public interest and served community needs  
20      because the station was using public space, public  
21      airwaves, to transmit.

22                   On that condition, the FCC granted

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1 broadcast licenses. This is a public radio station so  
2 I -- we measure how we do what we do in terms of  
3 public service. I had every reason to believe that  
4 Yes, this station is operating in a manner consistent  
5 with the principal behind our relationship with the  
6 FCC through the license.

7 So I think reading through the rules, I  
8 think I understood that this particular section of the  
9 Public Inspection File rules was with respect to the  
10 stations operating in that manner. How are we  
11 covering the issues that are important to the  
12 community?

13 Well, okay, this must be the list that we  
14 have to place in the file. So, I think that that was  
15 mostly how I determined that look. We have to put  
16 into the public file the piece of paper that actually  
17 shows that we're covering issues that are important to  
18 the community. That's really what I was looking for  
19 when I was going through the file.

20 Q When you were looking at the file in the  
21 first instance so far as you could tell there were no  
22 such reports in there that addressed the issues of

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1 public importance to the community?

2 A Yes, my recollection is that I don't  
3 remember seeing anything that at least met my test of  
4 look we have to place into the Public Inspection File  
5 a report that shows that we are programming that  
6 covers issues that are important to our community. I  
7 don't remember seeing something that I liked.

8 Q Well, what did you see that you didn't  
9 like that still arguably might have addressed the  
10 matter?

11 A Like I said in my testimony, I -- today I  
12 don't remember what was in there when I started  
13 reviewing the file. My approach at the time was what  
14 do I need to put in here so that we can show that  
15 we're operating in a manner consistent with the  
16 conditions that the FCC gives us our broadcast  
17 license.

18 Q In June 1997, did you have any reason not  
19 to trust Susan Hecht?

20 A No, not specifically. I mean my  
21 interaction with Susan was she sat there at the front  
22 desk and she would be there from time to time when I

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